

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN CARLOS CALDERON,
Plaintiff,
v.
ROB BONTA,
Defendant.

No. 2:23-cv-00213 KJM AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 1, 2024, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty-one days. F&Rs, ECF No. 29. Plaintiff has filed objections to the findings and recommendations. Obj.'s, ECF No. 32.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a *de novo* review of this case. The court finds plaintiff's objections are without merit. Plaintiff does not respond to the findings and recommendations, restates allegations in the complaint and attempts to improperly supplement the complaint with new allegations. Further, to the extent plaintiff seeks "to set aside the default judgment entered in this

1 action on April 18/19, 2024” under Rule 60(b), *see* Obj.’s at 2,¹ such relief is not available here
2 because no default judgment has been entered in this case. Having reviewed the file, the court
3 finds the findings and recommendations to be supported by the record and by the proper analysis.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. The findings and recommendations, ECF No. 29, are adopted in full;
- 6 2. Plaintiff’s motion for preliminary injunction, ECF No. 26, is denied;
- 7 3. Plaintiff’s motions for reconsideration, ECF No. 28 at 27-36; ECF No. 30, are denied;
- 8 4. The first amended complaint, ECF No. 28, is dismissed without leave to amend for
9 failure to state a claim; and
- 10 5. The Clerk of the Court is directed to close this case.

11 DATED: August 16, 2024.

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14 CHIEF UNITED STATES DISTRICT JUDGE
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28 ¹ When citing page numbers on filings, the court uses the pagination automatically generated by
the CM/ECF system.